



FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

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OCT 26 2006

RE MUR 5758
Pierce O'Donnell

Dear Mr Tuohey

Based on a complaint filed with the Federal Election Commission on May 30, 2003, and information supplied by your client, the Commission, on April 14, 2004, found that there was reason to believe your client, Pierce O'Donnell, violated 2 U S C § 441f, and instituted an investigation of this matter

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a knowing and willful violation has occurred

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief that you may submit will be considered by the Commission before proceeding to a vote on whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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Mark Tuohey, Esq
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A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement

Should you have any questions, please contact Audra Wassom, the attorney assigned to this matter, at (202) 694-1650

Sincerely,



Lawrence H Norton
General Counsel

Enclosure
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Pierce O'Donnell

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MUR 5758

GENERAL COUNSEL'S BRIEF

I. INTRODUCTION

In 2003, the Commission received a complaint alleging that various law firms across the country may have reimbursed employees for contributions to John Edwards's presidential campaign committee, Edwards for President ("the Edwards Committee"). Among the firms listed in the complaint was O'Donnell & Shaeffer LLP ("the Firm"), a law firm in Los Angeles founded by Pierce O'Donnell, a prominent trial attorney who has over twenty-five years of political fundraising experience.

On April 14, 2004, the Commission found reason to believe that Pierce O'Donnell violated 2 U.S.C. § 441f. O'Donnell submitted a response to the Commission's factual and legal analysis, through counsel, denying having been reimbursed for his contribution to the Edwards Committee and remaining silent on whether he reimbursed others' contributions. O'Donnell continued to remain silent as this matter progressed, refusing to cooperate with the investigation and asserting his Fifth Amendment privilege in response to the Commission's Subpoena to Produce Documents and Order to Answer Questions in July 2004 and in response to a deposition subpoena issued in June 2006. See Affidavit of Pierce O'Donnell dated June 16, 2006. Notwithstanding the absence of testimony from O'Donnell, an investigation has shown

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1 that he used his personal funds and Firm resources to spearhead a scheme to reimburse
2 contributions to the Edwards Committee As detailed below, O'Donnell reimbursed 16 people
3 for a total of \$32,000 in contributions made to the Edwards Committee

4 Although O'Donnell has not disputed the facts discovered during the investigation, his
5 attorney has recently presented a new explanation for O'Donnell's actions previously
6 undiagnosed mental disorders affected O'Donnell's behavior at the time of the alleged
7 reimbursements² O'Donnell's attorney has also submitted letters from three doctors—some of
8 whom treated O'Donnell in 2003—who opine on how various mental illnesses, such as bipolar
9 disorder, may have affected O'Donnell at the time of the alleged violations As we explain
10 below, however, the undisputed facts show that O'Donnell knew that the law prohibited
11 reimbursing contributions, yet he did so anyway Therefore, the Office of General Counsel
12 intends to recommend that the Commission find probable cause to believe that Pierce O'Donnell
13 knowingly and willfully violated 2 U S C § 441f

14 II. SUMMARY OF THE RECORD

15 A. Pierce O'Donnell's Background

16 Pierce O'Donnell, 59 years old, is a prominent litigator who has handled numerous
17 complex cases in a variety of fields, including antitrust, entertainment, intellectual property,
18 energy, securities, products liability, real estate, constitutional law, and finance See
19 http://www.oslaw.com/whoweare_partners01.html, visited Sept 5, 2006 A graduate of
20 Georgetown and Yale, O'Donnell clerked for Supreme Court Justice Byron R White and has
21 been named one of the "100 Most Influential Lawyers in America" by the National Law Journal

² This issue had never previously been raised during the three years that this matter was pending O'Donnell's attorney explained that it was not raised under business questions about O'Donnell's mental health only "began to crystallize when viewed through a collective prism of persons concerned about the mens rea questions that emerged in this investigation " Letter dated July 14, 2006 at 3

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1 See *id*. In 1996, O'Donnell founded O'Donnell & Shaeffer, which in 2003 had seventeen or
2 eighteen attorneys (Latinovic Tr at 20-21)

3 In addition to his legal work, O'Donnell has over twenty-five years of substantial
4 experience in political fundraising. In 1980, O'Donnell ran for Congress, at which time he
5 sought an advisory opinion from the Commission about whether compensation from his law firm
6 would constitute a contribution. See Advisory Opinion 1980-115. In 1992 and 1996, O'Donnell
7 served on the national finance committee of Bill Clinton's presidential campaigns. In addition,
8 O'Donnell has contributed over \$50,000 to federal candidates and national party committees
9 over the past eight years. O'Donnell has also been active in local politics, arranging fundraisers
10 and soliciting funds for local candidates. Finally, O'Donnell has written about local elections
11 and campaign finance reform. See <http://www.oslaw.com/whoweare/POD%20Resume.pdf>,
12 visited Sept. 5, 2006.

13 B. O'Donnell Reimbursed Contributions to John Edwards's Presidential
14 Campaign

15 In early 2003, Pierce O'Donnell agreed to be a fundraiser for the Edwards Committee,
16 and he sponsored a "meet and greet" breakfast event with Senator Edwards. The invitations for
17 this event were sent by letter on Firm stationery and were signed by O'Donnell. The event,
18 which occurred on March 1, 2003 at a hotel in Beverly Hills, was organized largely by
19 O'Donnell's longtime personal assistant at the Firm, Dolores Valdez (Latinovic Tr at 59-60).
20 Valdez, at the request of O'Donnell, made logistical arrangements for the event and invited
21 potential guests (Latinovic Tr at 59-60). Approximately 50 of O'Donnell's friends and
22 colleagues attended the event, including individuals from the Firm.

23 The campaign staffer for the Edwards Committee assigned to the southern California
24 region, Molly Morris, stated in an interview with Commission staff that the event was planned

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1 entirely by O'Donnell Morris also stated that she sent O'Donnell the campaign's standard
2 packet for fundraisers, which provided instructions on how to raise funds permissibly and
3 specifically noted the prohibition on contributions made in the names of others. According to
4 Morris, O'Donnell appeared to be an experienced fundraiser and did not ask many questions

5 During the breakfast event, Senator Edwards indicated his campaign's need for funding,
6 and a few attendees contributed at that time, while others contributed during the weeks that
7 followed After the event, both O'Donnell and his assistant, Dolores Valdez, solicited
8 individuals to contribute to the Edwards Committee, and they periodically communicated with
9 Morris at the Edwards Committee regarding these additional contributions Overall,
10 O'Donnell's efforts as a fundraiser led to 34 individuals contributing approximately \$50,000 to
11 the Edwards Committee, though for unknown reasons the Edwards Committee apparently did
12 not receive two of these contributions O'Donnell himself contributed \$2,000, and like other
13 contributors, he signed the Edwards Committee's standard donor card, which states in part, "all
14 contributions must be made from personal funds and cannot be reimbursed "

15 Several employees at O'Donnell's firm contributed to the Edwards Committee Some of
16 those employees, primarily paralegals, stated that Valdez told them that O'Donnell would
17 reimburse them for their contributions³ Other firm employees, primarily attorneys, stated in
18 sworn affidavits that they were not offered and did not receive a reimbursement for their
19 contributions As detailed below, our investigation has shown that O'Donnell wrote checks
20 totaling \$32,000 to reimburse 16 individuals who contributed to the Edwards Committee With
21 one exception, these reimbursements all occurred within four days of the dates the contributions
22 to the Edwards Committee were made See Attachment 1 (flow chart of reimbursements) These

³ Valdez has asserted her Fifth Amendment privilege and has not testified in this matter

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1 funds all originated from O'Donnell's personal bank account, though the money was sometimes
2 funneled through various individuals employed by the Firm before reaching the intended
3 recipients *See id*

4 *1 Direct Reimbursements*

5 O'Donnell directly reimbursed nine individuals who contributed \$2,000 each to the
6 Edwards Committee. Four of these individuals are related to him: his daughter, Meghan
7 O'Donnell, his sister, Mary Eileen O'Donnell and Helen Wahl, and his brother-in-law, Gerald
8 Wahl. The other five individuals who were directly reimbursed were non-lawyer employees of
9 the Firm: Elie Latinovic, Hilda Escobar, Bert Rodriguez, Elizabeth Owen, and Harry
10 Silberman.⁴ According to financial records, O'Donnell wrote personal checks to these
11 individuals around the time they contributed to the Edwards Committee, most often on the same
12 day as the contributions. *See Attachment 1*. The checks to the employees contained the word
13 "bonus" on the memo line.

14 *2 Indirect Reimbursements*

15 In addition to the nine direct reimbursements to the individuals listed above, O'Donnell
16 also indirectly reimbursed seven other individuals who contributed \$2,000 each to the Edwards
17 Committee. All of these indirect reimbursements were made through other employees of the
18 Firm. O'Donnell wrote personal checks to these employees in a multiple of \$2,000, and the
19 employees would then contribute \$2,000 to the Edwards Committee themselves and also give
20 \$2,000 to a friend or family member who also contributed \$2,000 to the Edwards Committee.
21 *See Attachment 1*

⁴ Silberman's contribution does not appear to have been received by the Edwards Committee. In an interview with Commission staff, Silberman stated that he gave his credit card number to Valdez, O'Donnell's assistant, for transmission to the Edwards Committee to make a contribution. The Edwards Committee, however, has no record of receiving a contribution from Silberman, and Silberman reports that his credit card was never charged.

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1 Three of these indirect reimbursements were made through Else Latinovic, the
2 administrator of the Firm Latinovic testified that she was approached by Valdez to contribute to
3 Edwards and was told that she would be reimbursed by O'Donnell (Latinovic Tr at 66-67, 77)
4 Latinovic initially balked at contributing because she personally did not support Edwards
5 (Latinovic Tr at 68) Latinovic conveyed that she thought it was inappropriate to ask employees
6 to contribute, and she asked Valdez to speak with O'Donnell about her concerns (Latinovic Tr
7 at 68) Valdez agreed to speak with O'Donnell, and Valdez also reportedly expressed
8 unhappiness that O'Donnell asked her to solicit employees (Latinovic Tr at 67-68)
9 O'Donnell, however, reportedly told Valdez that she needed to do what he asked, and Valdez
10 transmitted this information to Latinovic (Latinovic Tr at 69) Latinovic then agreed to
11 contribute, fearing that if she did not, O'Donnell would be angry and, through his position at the
12 Firm, possibly take adverse action against her⁵ (Latinovic Tr at 110)

13 Because Latinovic believed it was inappropriate to solicit employees for contributions,
14 she told Valdez she would solicit her family to contribute so that other employees in the Firm
15 would not be placed in an uncomfortable position (Latinovic Tr at 70) Valdez agreed with this
16 proposal, and Latinovic subsequently secured three \$2,000 contributions to the Edwards
17 Committee one from her mother, Anita Latinovic, and two from family friends, Russell and
18 Jacqueline Folsom (Latinovic Tr at 70-75) Per her conversation with Valdez, Latinovic
19 promised all of them that O'Donnell would reimburse them for their contributions (Latinovic
20 Tr at 70-75) Latinovic transmitted their contribution checks to Valdez, who gave her an \$8,000
21 check dated March 31, 2003, signed by Pierce O'Donnell That same day, Latinovic wrote three

⁵ After the allegations in this matter were reported by the media, Latinovic complained directly to O'Donnell, letting him know how upset she was that he put her in such a position (Latinovic Tr at 90-91) O'Donnell told her that he was sorry this happened to her, but he promised that he would take care of everything and that the Firm would pay for her attorneys (Latinovic Tr at 91-92)

1 checks aggregating \$8,000 one for \$2,000 to the Edwards Committee, one for \$2,000 to her
2 mother, and one for \$4,000 to Russell and Jacqueline Folsom

3 In addition to soliciting contributions through Latinovic, Valdez also approached
4 paralegal Hilda Escobar and asked her to contribute, similarly telling her she would be
5 reimbursed (Escobar Tr at 48) Escobar agreed to contribute and wrote a \$2,000 check to the
6 Edwards Committee (Escobar Tr at 48) A few days later, Valdez again approached Escobar
7 and asked her if she knew anyone else who would contribute, promising that O'Donnell would
8 reimburse them as well (Escobar Tr at 51) Escobar then approached her father, Rafael
9 Velasco, who agreed to contribute as a favor to O'Donnell (Escobar Tr at 52) Escobar
10 transmitted her father's \$2,000 contribution check to Valdez and asked Valdez if more
11 contributions were needed (Escobar Tr at 51) Valdez said no and later gave Escobar a \$4,000
12 check from O'Donnell to reimburse her for her and her father's contributions *Id* Valdez also
13 gave Escobar donor cards from the Edwards Committee, telling her that they needed to be
14 completed (Escobar Tr at 50, 53)

15 Other reimbursements also passed through multiple individuals For example, on the
16 same day that O'Donnell wrote the other reimbursement checks, he also wrote a \$4,000 check to
17 Valdez Although Valdez did not make a contribution, she passed on \$2,000 each to two other
18 individuals who were to contribute to the Edwards Committee First, she gave \$2,000 to her
19 sister, Maria Saucedo, to make a contribution Saucedo agreed to make the contribution as a
20 favor to her sister after she was promised reimbursement ⁶ (Saucedo Tr at 15-16) Second,
21 Valdez wrote a \$2,000 check to Bert Rodriguez, an administrative employee at the Firm, and she

⁶ Although Saucedo filled out a donor card and provided her credit card number to make a contribution, the Edwards Committee has no record of receiving a contribution from her

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1 also gave him a separate check from Pierce O'Donnell for \$4,000. Rodriguez used the funds to
2 contribute \$2,000 to the Edwards Committee and to give \$2,000 each to his son, Johnny
3 Rodriguez, and Johnny's girlfriend, Christina Andujo, both of whom contributed \$2,000 to the
4 Edwards Committee after being promised they would be reimbursed. (Rodriguez Tr. at 83-84)

5 On July 24, 2004, the Edwards Committee refunded over \$44,000 in contributions that it
6 associated with O'Donnell. One of those refunds was issued to O'Donnell's sister, Mary Eileen
7 O'Donnell, who forwarded a copy of her refund check to Pierce O'Donnell with a note stating,
8 "What should I do with this? (copy enclosed) It's really not mine" (emphasis in original).
9 Valdez responded, "Mary Eileen, POD will call you about this."

10 C. O'Donnell Previously Reimbursed Contributions to James Hahn's Mayoral
11 Campaign

12 The Edwards event was not the first time that O'Donnell used Firm resources to organize
13 a political event and reimburse contributions. In 2000, Los Angeles mayoral candidate James
14 Hahn attended a reception at the Firm's offices, which was organized in part by Valdez
15 (Latinovic Tr. at 37-38). In a reimbursement scheme that mirrors the activity in this matter,
16 O'Donnell used \$25,500 of his personal funds to reimburse Firm employees, their friends, their
17 relatives, and others for campaign contributions to James Hahn's mayoral campaign.⁷ As in this
18 matter, Dolores Valdez solicited contributions from Firm employees and arranged for their
19 reimbursement from O'Donnell. Likewise, only administrative employees—not attorneys—

⁷ O'Donnell recently settled criminal and civil charges in Los Angeles relating to that matter. O'Donnell pleaded no contest to five counts of using a false name to make campaign contributions, and, in exchange, the prosecutor agreed to drop the remaining 21 counts. At sentencing, the court fined O'Donnell \$155,200, placed him on three years probation, and barred him from participating in any political fundraising for three years. In a settlement agreement with the Los Angeles City Ethics Commission, O'Donnell admitted to committing "serious" violations of city law by making 26 contributions in names of others. *Stipulation, Decision, and Order of the Los Angeles City Ethics Commission*, Case No. 2008-56, (Mar. 14, 2006). As part of the settlement, O'Donnell agreed to pay a \$1 administrative penalty of \$147,000. O'Donnell signed a separate settlement agreement with the California Fair Political Practices Commission, in which he again admitted the violations and agreed to pay an additional \$72,000 administrative penalty.

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1 were reimbursed Those administrative employees have stated that the circumstances of the
2 Edwards contribution reimbursements were nearly identical to that of the Hahn contribution
3 reimbursements

4 **III. ANALYSIS**

5 The evidence has shown that Pierce O'Donnell deliberately attempted to circumvent
6 contribution limits by funneling campaign contributions through other individuals in violation of
7 2 U S C § 441f, which prohibits making a contribution in the name of another This prohibition
8 also applies to any person who provides money to others to effect contributions in their names
9 11 C F R § 110.4(b)(2) According to financial records and sworn testimony, O'Donnell
10 directly or indirectly reimbursed sixteen individuals for \$32,000 in contributions to the Edwards
11 Committee⁸

12	Direct Reimbursements	\$18,000
13	Indirect Reimbursements	\$14,000
14	<hr/> TOTAL	<hr/> \$32,000

15 Although O'Donnell has not disputed that the reimbursements detailed in the prior
16 section violated the Act's prohibition on making contributions in the name of another,
17 O'Donnell's attorney has argued that O'Donnell did not knowingly and willfully violate the law,
18 citing recent medical evaluations of O'Donnell that purport to show that his past conduct was
19 motivated by various mental disorders As we demonstrate below, however, the undisputed facts
20 exceed the probable cause threshold required for a knowing and willful finding

⁸ Although as described above, the Edwards Committee reported receiving only \$28,000 of these reimbursements, O'Donnell and the Firm are still liable for making \$32,000 worth of contributions in the names of others 2 U S C § 441f The Act's prohibition on making contributions in the name of another does not condition liability on such contributions actually being received See *id* The Act defines "contribution" broadly, and it includes funds given to influence a federal election, regardless of whether those funds are received by a political committee 2 U S C § 431(8)(A)(i)

1 The phrase "knowing and willful" indicates that "acts were committed with a knowledge
2 of all the relevant facts and a recognition that the action is prohibited by law " H R Rpt 94-
3 917 at 3-4 (Mar 17, 1976) (*reprinted in* Legislative History of Federal Election Campaign Act
4 Amendments of 1976 at 803-4 (Aug 1977)), *see also National Right to Work Comm v FEC*,
5 716 F 2d 1401, 1403 (D C Cir 1983) (citing *AFL-CIO v FEC*, 628 F 2d 97, 98, 101 (D C Cir
6 1980) for the proposition that "knowing and willful" means "'defiance' or 'knowing, conscious,
7 and deliberate flouting' [sic] of the Act"), *United States v Ingram*, 916 F 2d 207, 214-15 (5th
8 Cir 1990) The *Hopkins* court also held that taking steps to disguise the source of funds used in
9 illegal activities might reasonably be explained as a "motivation to evade lawful obligations "
10 *Hopkins*, 916 F 2d at 213-14 (citing *Ingram v United States*, 360 U S 672, 679 (1959)) (internal
11 quotations omitted) A Section 441f violation, in which the true source of the funds used to
12 make a contribution is withheld from the recipient committee, is inherently self-concealing

13 In this case, there are several bases to conclude that O'Donnell knowingly and willfully
14 violated the Act First, O'Donnell's decades of prior experience with political fundraising
15 demonstrates his knowledge of the law From running for Congress to seeking an advisory
16 opinion to serving on the national finance committee of a presidential campaign, O'Donnell is a
17 sophisticated political actor Second, O'Donnell signed a donor card provided by the Edwards
18 Committee that explicitly stated that contributions cannot be reimbursed Third, the Edwards
19 Committee sent O'Donnell an informational packet that recited the prohibition on making
20 contributions in the name of another Fourth, O'Donnell developed an elaborate scheme to
21 disguise the source of his contributions by using multiple levels of conduits, which deceived the
22 public of the true source of contributions Finally, O'Donnell included the word "bonus" on the

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1 memo line of the reimbursement checks to Firm employees, which suggests an intent to hide the
2 true purpose of the checks

3 O'Donnell's deliberate actions to flout the law are also evidenced by his involvement in a
4 remarkably similar scheme to reimburse contributions to Los Angeles mayoral candidate James
5 Hahn In both the Los Angeles matter and this one, O'Donnell wrote personal checks to
6 contributors in the same amount as the contributors gave to the candidate, usually on the same
7 day of the contribution In addition, O'Donnell directed his assistant at the Firm, Dolores
8 Valdez, to solicit contributions and offer reimbursements Also, six of the same checks were
9 used in both schemes The nearly identical circumstances surrounding the reimbursements to
10 Hahn and to the Edwards Committee demonstrate that O'Donnell's actions in this matter were
11 not an isolated mistake, but rather were part of a pattern and practice to circumvent contribution
12 limits⁹

13 O'Donnell has not disputed any of the aforementioned facts Instead, he has remained
14 silent, citing his Fifth Amendment privilege O'Donnell's attorney, however, has recently
15 argued that O'Donnell could not have formed the requisite intent to knowingly and willfully
16 violate the law because of newly diagnosed mental disorders that supposedly affected O'Donnell
17 at the time he reimbursed contributions to both the Hahn and Edwards campaigns O'Donnell's
18 attorney has also submitted recently completed letters from doctors who make various

⁹ Indeed, when settling the civil charges in Los Angeles, O'Donnell admitted that his actions were "designed to and resulted in substantial excess contributions in violation of the Charter's per person contribution limits" *Stipulation, Decision, and Order of the Los Angeles City Ethics Commission*, March 14, 2006

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1 conclusions about the effect of O'Donnell's purported mental disorders.¹⁰ Yet none of these
2 letters contradicts any facts that support concluding that the violation was knowing and willful.
3 To the contrary, some of the information actually supports a knowing and willful finding. For
4 example, one letter explicitly acknowledges that O'Donnell was "intellectually conversant with
5 the apposite legal requirements" and that he acted despite the explicit concerns raised by Valdez
6 because he viewed the law as "irrelevant." Letter from Mark J. Mills, J.D., M.D., dated July 31,
7 2006, at 4. This statement further establishes that O'Donnell acted knowingly and willfully in
8 this matter: he knew that the law prohibited reimbursing contributions, yet he chose to do so
9 anyway.

10 In sum, an investigation has discovered substantial evidence of knowing and willful
11 conduct by O'Donnell. In addition, given that O'Donnell has asserted his Fifth Amendment
12 privilege in response to the Commission's subpoenas, the Commission may draw an adverse
13 inference from O'Donnell's refusal to testify in this matter. See *Baxter v. Palmigiano*, 425 U.S.
14 308, 318 (1976); *SEC v. Gemstar-TV Guide Int'l, Inc.*, 401 F.3d 1031, 1046 (9th Cir. 2005)
15 ("[p]arties are free to invoke the Fifth Amendment in civil cases, but the court is equally free to
16 draw adverse inferences from their failure of proof") quoting *SEC v. Collins*, 139 F.3d 674, 677
17 (9th Cir. 1998). Therefore, based on the extensive direct evidence developed in this

¹⁰ For example, one letter concludes that "in approving reimbursements to his firm's employees for contributions to the Edwards campaign, Mr. O'Donnell was influenced largely by his ongoing bipolar disorder such that although he knew (intellectual awareness) what his conduct was[,] doing it was neither willful (intentionally disregarding the law) nor deliberate (specifically designed to flout the law)." Letter from Mark J. Mills, J.D., M.D., dated July 31, 2006, at 4. Another letter discusses a "direct nexus" between O'Donnell's purported bipolar disorder and his reimbursements of contributions to the Hahn campaign. Letter from Daniel A. Martell, Ph.D., A.B.P.P., dated July 8, 2006, at 11. Nonetheless, while the doctors agree that O'Donnell's alleged mental disorders affected his conduct when he reimbursed contributions, they also conclude that these purported mental disorders had no effect on O'Donnell's ability to practice law. "O'Donnell's high intelligence, coupled with a highly experienced team of colleagues and support staff, allowed him to compartmentalize his law practice and channel his manic symptoms in ways that have historically made him the successful litigator he is today, despite his bipolar illness." Letter from Daniel A. Martell at 11.

- 1 investigation, and in the absence of testimony from O'Donnell, there is probable cause to believe
2 that he knowingly and willfully violated the Act by making contributions in the names of others
3 Accordingly, this Office is prepared to recommend that the Commission find probable cause to
4 believe that Pierce O'Donnell and knowingly and willfully violated 2 U S C § 441f

IV. GENERAL COUNSEL'S RECOMMENDATION

- 1 Find probable cause to believe that Pierce O'Donnell knowingly and willfully
violated 2 U S C § 441f

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Date 10/26/06

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Attachment

- 1 Flow Chart of Reimbursed Contributions

